

REMARKS

Claims 54-73 remain in this application. Claims 54-55, 57-64, 66-67, 69-73 have been amended. The amendments are supported by the specification and no new matter has been added. No claims have been added or cancelled.

As an initial matter, the Examiner appears to have erroneously examined cancelled claims 1-19 rather than pending claims 54-73. The Applicants previously submitted a preliminary amendment on October 26, 2001, which had the effect of canceling original claims 1-19 and adding new claims 54-73.

Applicants note that the new claims were erroneously numbered starting with claim 54, rather than with 20, which would have been proper. Applicants further note that claims 20 – 53 have never been presented in the current application. Applicants submit that it may be least confusing to continue with prosecution of claim 54-73, rather than by renumbering starting with claim 20. However, Applicants are willing to make any amendments required by Examiner.

Accordingly, Applicants respectfully request examination of the pending claims 54-73. Since these claims have not yet been examined, and since applicants have no way of knowing if, or how, Examiner might or would have applied the rejections or objections presented in the present office action to these claims, Applicants will not respond to these rejections or objections. Applicants respectfully request that the Examiner indicates in the next office action, which, if any, of the objections or rejections pertain to claim 54-73.

Applicants also respectfully point out that a final rejection would be improper since this would be the first examination of claims 54-73.

Obviousness-Type Double Patenting Rejection - Chiu

The Examiner has rejected claims 8 – 19 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-5, 5 and 6 of U.S. Patent No. 6,315,038 issued to Chiu (hereinafter referred to as “Chiu”). As discussed above, these claims have been cancelled without prejudice.

35 U.S.C. §102(b) Rejection - Yamagata

The Examiner has rejected claims 1, 3-6, 8, 10-12, 15 and 17-19 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,552,637 issued to Yamagata (hereinafter referred to as “Yamagata”). As discussed above, these claims have been cancelled without prejudice.

35 U.S.C. §103(a) Rejection – Yamagata in view of Todman

The Examiner has rejected claims 2, 9 and 16 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,552,637 issued to Yamagata (hereinafter referred to as “Yamagata”) in view of U.S. Patent No. 5,635,917 issued to Todman (hereinafter referred to as “Todman”). As discussed above, these claims have been cancelled without prejudice.

Claim Objections

The Examiner has objected to claim 7 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. As discussed above, this claim has been cancelled without prejudice.

Conclusion

In view of the foregoing, it is believed that all claims now pending patentably define the subject invention over the prior art of record and are in condition for allowance. Applicants respectfully request that the rejections be withdrawn and the claims be allowed at the earliest possible date.

Request For Telephone Interview

The Examiner is invited to call Brent E. Vecchia at (303) 740-1980 if there remains any issue with allowance of the case.

Request For An Extension Of Time

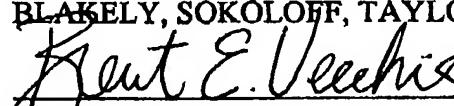
The Applicants respectfully petition for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17 for such an extension.

Charge Our Deposit Account

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

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